

**REMARKS**

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1-37 are pending in the application. Claim 28 has been withdrawn as being directed to a non-elected species. Claims 1, 2, 26, 27, 28, 32 and 33 have been amended. Claims 38-44 have been added. Accordingly, claims 1-27 and 29-44 are subject to consideration.

Applicants acknowledge and appreciate the Examiner's recognition and agreement with their previously submitted remarks that claims 1-27 and 29-37 should undergo examination as a result of the election of species set forth in the Response dated July 19, 2006.

**Rejection in view of Peilet**

Claims 1-4, 8-13, 15-16, 19-23, 25-26 and 30-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peilet (U.S. Patent 4,143,667).

Independent claim 1 has been amended to recite that the culinary brush recited therein comprises "a plurality of bristles through which . . . material is passable to and/or from the reservoir". Independent claim 32 has been amended to recite that the culinary brush thereof comprises "[a] handle comprising a cross-sectional area expanding toward coupling [with the nozzle]". Support for the amendment to claim 1 is set forth at paragraph [0039] of the application as filed and support for the amendment to claim 32 is set forth at paragraph [0022] thereof.

In the Office Action under reply, and in regard to claim 1, the Examiner stated that Peilet disclosed a brush comprising bristles 24 in communication with the reservoir thereof. Peilet

fails, however, to show such communication whereby the bristles act as a conduit through which material passes to and/or from the reservoir. Accordingly, the rejection should be withdrawn. In regard to claim 32, the Examiner stated that each of the claimed elements are disclosed by Peilet. This is not the case in view of Applicants' amendment as provided hereinabove whereby Peilet likewise fails to show the recited geometrical configuration, a configuration undoubtedly useful for grasping and squeezing of the reservoir so as to more easily urge material therefrom, see paragraph [0006] of Applicants' specification. Accordingly, the rejection of claim 32 should be also be withdrawn.

In view of the foregoing, independent claims 1 and 32 are not anticipated by Peilet. It is therefore requested that the rejection of claims 1 and 32 under 35 U.S.C. § 102(b) as being anticipated by Peilet be withdrawn.

With respect to claims 2-4, 8-13, 15-16, 19-23, 25-26, 30-31 and 33-36, since these claims depend from claim 1 or claim 32, the foregoing amendments and discussion apply equally to these dependent claims. Therefore, it is requested that the rejection of these claims under 35 U.S.C. § 102(b) as being anticipated by Peilet be withdrawn.

#### **Rejection in view of Landen**

Claims 1, 8-11, 14, 17-18 and 27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Landen (U.S. Patent 3,499,686).

Independent claim 1 has been amended as discussed above. In view of such amendment, Landen fails to show bristles of the type which provide a conduit allowing the passage of

material therethrough. Instead, its bristles 13 comprise straight natural hair; and thus, are deficient with respect to Applicants' claims as now amended.

In view of the foregoing, independent claim 1 is not anticipated by Landen. It is therefore requested that the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Landen be withdrawn.

With respect to dependent claims 8-11, 14, 17-18 and 27, since these claims depend from claim 1, the foregoing discussion applies equally to these dependent claims. Therefore, it is requested that the rejection of these claims under 35 U.S.C. § 102(b) as being anticipated by Landen be withdrawn.

**Rejection in view of Wise**

Claims 1 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wise (U.S. Patent 3,521,968).

Independent claim 1 has been amended as discussed above. Wise fails to show, even tangentially, any basis for anticipation of Applicants' invention as provided by the claims as now amended. In fact, nowhere in Wise can any discussion or illustration be found which addresses the type of bristles as now provided by Applicants claims.

In view of the foregoing, independent claim 1 and its dependent claim 24 are not anticipated by Wise. It is therefore requested that the rejection of claims 1 and 24 under 35 U.S.C. § 102(b) as being anticipated by Landen be withdrawn.

**Rejection in view of Hamm**

Claims 1, 29, 32 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hamm (U.S. Patent Des. 200,761).

Independent claims 1 and 32 have been amended as discussed herein. Regarding claim 1 as now amended, Hamm merely shows a bristle portion surrounded by additional structure. The combination thereof is deficient with respect to Applicants' claims as now amended since such a configuration would disallow the passage of material to the reservoir, a feature now specifically recited. Regarding claim 32, Applicants' claims as now amended recite a culinary brush comprising a handle comprising a cross-sectional area expanding toward the point at which the brush handle and nozzle are coupled. Hamm is deficient in this respect given its disclosure of a handle shown to be of primarily uniform cross-section.

In view of the foregoing, it is submitted that the rejection of claims 1 and 32, and their respective dependent claims 29 and 37, are not anticipated by Hamm. It is therefore requested that the rejection of these claims under 35 U.S.C. § 102(b) as being anticipated by Hamm be withdrawn.

**Rejection in view of Peilet under 35 U.S.C. § 103**

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Peilet (U.S. Patent 4,143,667).

In view of Applicants' claims, as now amended, and in further consideration of Applicants' remarks with respect to independent claim 1 from which each of claims 5-7 depend, it is submitted that the rejection of claims 5-7 as stated above is no longer appropriate. It is

therefore requested that the rejection of claims 5-7 under 35 U.S.C. § 103(a) as being obvious in view of Peilet be withdrawn.

**New Claims**

New claims 38-44 are presented. Support for independent claim 38 is set forth in paragraph [0034] of the application as filed. Support for dependent claims 39-44 is set forth throughout other portions thereof.

In light of the foregoing amendments and remarks, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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